

REMARKS

REJECTIONS UNDER 35 U.S.C. § 101

Claims 25-30 were rejected as being directed to non-statutory subject matter. Applicant has amended the specification to remove any references to signal or carrier waves. Thus, based on the amended specification, claims 25-30 are directed to statutory subject matter. Therefore, Applicant requests withdrawal of the rejection under 35 U.S.C. § 101.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 2, 10-12, 14-16, 18-21, 23-26, 29 and 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,356,931 issued to Ismael et al. (*Ismael*). Claims 2, 16, 21 and 26 have been cancelled. Therefore, the rejection of these claims is moot. Applicant submits claims 1, 10-12, 14-15, 18-20, 23-25, 29 and 30 are not anticipated by *Ismael* for at least the reasons set forth below.

The Office action states at page 3 that *Ismael* discloses that displayed management beans represent a manageable resource within a cluster of application servers, as recited in claim 1. However, the cited portions of *Ismael* merely discuss a network of nodes and define a managed object as a software abstraction of a resource that is controlled and monitored by an agent. See column 2, lines 31-43 and column 3, lines 53-54, as cited in the Office action. *Ismael* says nothing about a cluster or cluster architecture. The Manual of Patent Examining Procedure (“MPEP”), in § 2131, states:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. V. Union Oil Co. California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 869 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Thus, under 35 U.S.C. § 102, a claim is anticipated *only if* each and every element of the claim is found in the cited reference and the cited reference must show the invention in as complete detail as contained in the claim. Therefore, given that *Ismael* fails to teach or disclose that displayed management beans represent a manageable resource within a cluster of application servers, as recited in claim 1, Applicant submits claim 1 is not anticipated by *Ismael*.

Independent claims 15, 20 and 25 similarly recite displayed management beans representing a manageable resource within a cluster of application servers. Claims 9-12, 14, 18-19, 23-24, 29 and 30 depend from claims 1, 15, 20 and 25, respectively. Thus, for at least the same reasons claim 1 is not anticipated, Applicant submits claims 10-12, 14-15, 18-20, 23-25, 29 and 30 are not anticipated by *Ismael*.

REJECTIONS UNDER 35 U.S.C. § 103

Claim 13

Claim 13 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Ismael* in view of U.S. Patent No. 7,086,065 issued to Yeluripati et al. (*Yeluripati*). Claim 13 depends from claim 1 and necessarily includes the limitations of claim 1. As discussed above, *Ismael* fails to teach or disclose that displayed management beans represent a manageable resource within a cluster of application servers, as recited in claim 1. *Yeluripati* was cited as disclosing a functional bean that receives client requests from a queue to service the request in a first come first serve basis. Whether or not *Yeluripati* discloses the limitations cited in the Office action (which Applicant does not concede), *Yeluripati* does not teach or disclose that displayed management beans represent a

manageable resource within a cluster of application servers. Thus, *Yeluripati* fails to cure the deficiencies of *Ismael*. Therefore, Applicant submits claim 13 is not obvious in view of *Ismael* and *Yeluripati*.

Claims 3-9, 17, 22, 27 and 28

Claims 3-9, 17, 22, 27 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Ismael* in view of U.S. Publication No. 2002/0112044 to Hessmer et al. (*Hessmer*). Claims 3-9, 17, 22, 27 and 28 depend from claims 1, 15, 20 and 25, respectively. As discussed above, *Ismael* fails to teach or disclose displayed management beans represent a manageable resource within a cluster of application servers, as recited in claim 1. *Hessmer* was cited as disclosing a method and system for performing remote diagnostics on a process data access server. Whether or not *Hessmer* discloses the limitations cited in the Office action (which Applicant does not concede), *Hessmer* does not teach or disclose displayed management beans that represent a manageable resource within a cluster of application servers. Thus, *Hessmer* fails to cure the deficiencies of *Ismael*. Therefore, Applicant submits claims 3-9, 17, 22, 27 and 28 are not obvious in view of *Ismael* and *Hessmer*.

CONCLUSION

For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, claims 1, 3-15, 17-20, 21-25 and 27-30 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

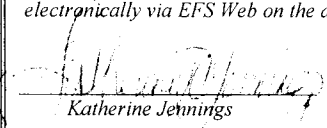
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Respectfully submitted,
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*I hereby certify that this correspondence is being submitted
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4-24-07
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